

Appl. No. 10/712,607
Response dated May 9, 2005
Reply to Office Action of February 10, 2005

Remarks/Arguments

Prior to filing of this Amendment, the undersigned counsel and named Examiner participated in a telephone interview. During the interview the claims and objections were discussed but no agreement was reached. Examiner's Interview Summary, Paper No. 0410, is attached hereto and incorporated by reference in compliance with MPEP Section 713.04.

The Examiner rejected Claims 1-11 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent #5,129,652 to Wilkinson ("Wilkinson" hereinafter). The applicant has amended independent claims 1, 6, and 11 to narrow the scope of the applicant's invention and to further distinguish it from Wilkinson.

Now, the focus of the present invention is on the combination of a pay-for-park transaction with the payment for entry into a government-sanctioned lottery. (Claim, as amended). The ingenious and novel result of the invention is that patrons are drawn to a parking garage because the patron need only drive into the parking garage and purchase and enter the government-sanctioned lottery.

Wilkinson is distinguishable from the present invention, as amended. In Wilkinson the patron obtains a lottery ticket upon entering the parking lot of a casino.

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The ticket contains personal indicia. In the casino, a drawing of indicia is conducted and the winning indicia is posted on a tote board. While the patron is in the casino, the patron may view the tote board to see if the winning indicia match the indicia of the patron's ticket. (Wilkinson claim 25). Accordingly, Wilkinson teaches a method to keep the patron in the casino as long as possible and does not focus on the transaction at the time of payment because by the time the patron pays he or she has left the casino and the invention no longer extends any influence over the patron.

By its own admission, Wilkinson does not anticipate the elements of the present invention because Wilkinson dispenses a ticket to be used only while in the casino so it encourages the patron to stay in the casino for multiple drawings of indicia in the hopes that the ticket contains winning indicia. ("A method for playing a lottery or drawing keno/bingo game for increasing participation in casino games...comprising the steps of issuing a parking ticket...providing personal indicia on each parking ticket...conducting a drawing... Wilkinson, Claim 25).

In contrast, the claims in the present invention describe a method that encourages the patron to use the parking lot, is not concerned about how long the patron uses the parking lot, and does not provide an incentive to patronize any other business but the parking lot. Additionally, the present invention claims a method that attracts parking lot patrons because it saves them time and spares them the inconvenience of standing in line

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to purchase entries in a government-sanctioned lottery. In contrast, Wilkinson teaches a method that is designed to encourage the patron to spend as much time as possible in the casino that runs the parking lot. The entry into the casino run lottery is merely a device to increase patronage of the casino. Thus, there is no feature of time saving or convenience set forth in Wilkinson. Rather, the entire purpose as stated by Wilkinson is for "increasing participation in casino games..." (Claim 25).

Finally, where the present invention focuses on dispensing the lottery ticket at the time of payment, Wilkinson teaches printing the indicia for entry into the casino game on the parking ticket. (Claim 25). In contrast, in the present invention, the parking ticket and lottery ticket are dispensed separately (See Application, Claims 1, 6, and 11, as amended).

To the extent it might be argued that the present invention is an obvious combination, real world experience suggests otherwise. Presently, and despite the publication of the above applications, there are no parking garages that combine lottery transactions with the payment transaction.

Assuming there are stores within the parking garages wherein the stores sell lottery tickets, the present invention is completely different because this ingenious invention requires no human operator or line for purchasing the lottery tickets. In

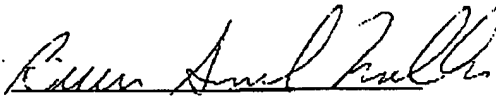
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contrast, any store located within the parking garage would be selling lottery tickets by way of a person operating a lottery ticket-dispensing machine. Thus, it can be appreciated that the possible long lines and time expended purchasing a lottery ticket from a store located within the parking garage are completely eliminated by the present invention which combines the payment for parking with the lottery ticket transaction while the patron remains inside the automobile.

In summary, it is respectfully submitted that this application, including claims 1-11, is in a condition for allowance. Notice to the effect is hereby earnestly solicited. In the event it appears that claims will not be allowed, the Examiner is invited to telephone the undersigned prior to the issuance of a further Office Action.

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